

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARILYN CORNELIUS,

Plaintiff,

v.

ORDER
11-CV-697A

INDEPENDENT HEALTH ASSOCIATION, INC.,
incorrectly sued herein as INDEPENDENT
HEALTH,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 26, 2012, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendant Independent Health Association's motion to enforce the settlement agreement be denied and that no action be taken with respect to plaintiff's Report pursuant to § 2.3 of this Court's Alternative Dispute Resolution Plan.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant Independent Health Association's motion to enforce the settlement agreement is denied. The Court will take no action with respect to plaintiff's Report pursuant to § 2.3 of this Court's Alternative Dispute Resolution Plan.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: December 14, 2012